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10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 TRAFFICSCHOOL.COM, INC., a  
California Corporation; DRIVERS ED  
13 DIRECT, LLC, a California limited  
liability company,

14 Plaintiffs,

15 v.

16 EDRIVER, INC., ONLINE GURU,  
INC., FIND MY SPECIALIST, INC.,  
17 and SERIOUSNET, INC., California  
corporations, RAVI K. LAHOTI, an  
18 individual; RAJ LAHOTI, an individual;  
DOES 1 through 10,

19 Defendants.  
20

Case No: CV 06-7561 PA (CWx)

**DEFENDANTS' REPLY TO  
PLAINTIFFS' EVIDENTIARY  
OBJECTIONS AND MOTION TO  
STRIKE DECLARATION OF  
KATHRYN CATHERWOOD IN  
SUPPORT OF DEFENDANTS'  
COMMENTS TO JOINT  
STATEMENT OF FEES AND COSTS**

Date: December 5, 2011

Time: 1:30 p.m.

Ctrm: 15

Judge: Honorable Percy Anderson

Complaint Filed: November 28, 2006

21 Defendants Edriver, Inc., Online Guru, Inc., Find My Specialist, Inc.,  
22 Seriousnet, Inc., Ravi K. Lahoti, and Raj Lahoti ("Defendants") hereby reply to  
23 Plaintiffs' Evidentiary Objections And Motion To Strike Declaration Of Kathryn  
24 Catherwood In Support Of Defendants' Comments To Joint Statement Of Fees  
25 And Costs filed by plaintiffs Trafficschool.com, Inc. and Drivers Ed Direct, LLC  
26 ("Plaintiffs") in support of Plaintiffs' Motion for Attorney Fees and Costs as set  
27 forth below.

28  
DEFENDANTS' REPLY TO PLAINTIFFS' EVIDENTIARY OBJECTION AND MOTION TO STRIKE  
DECLARATION OF KATHRYN CATHERWOOD ISO DEFENDANTS' COMMENTS TO JOINT  
STATEMENT OF FEES AND COSTS  
CASE NO. CV 06-7561 PA (CWx)

1 Plaintiffs' evidentiary objections are without merit as follows:

2 1. The evidence presented by Ms. Catherwood's Declaration was  
3 soundly presented for each statement, representation, and exhibit attached to Ms.  
4 Catherwood's Declaration.

5 2. The evidence presented by Ms. Catherwood was consistent with this  
6 Court's November 7, 2011 Order that invited Defendants to comment on each line  
7 item entry provided in the Excel spreadsheet prepared by Plaintiffs' counsel.

8 3. Plaintiffs' counsels' statement that Ms. Catherwood is "someone who  
9 also is now acting as counsel of record for Defendants, as their self-designated  
10 'expert' on attorney fees" is argumentative and not consistent with the declaration  
11 which provides foundational background of Ms. Catherwood's experience and then  
12 advises the Court of the manner in which Defendants undertook to comply with  
13 this Court's November 7, 2011 order to review the requested fees on a line by line  
14 basis. Moreover, review of a fee application does not require a designated expert  
15 as evidenced by the fact that Plaintiffs' counsel, Ms. Brosas, provided a declaration  
16 describing what she did to prepare the Excel spreadsheet. Rather, the issue is  
17 whether the fees incurred are reasonable and Ms. Catherwood's declaration  
18 provides the grounds for finding the fees were not reasonable. For example, the  
19 redactions (the description of the "R" designation) highlights for the court that the  
20 invoices provided by Plaintiffs' counsel contained redactions that made it  
21 impossible to assess reasonableness and thus the fees must be denied.

22 4. Defendants' objections based upon "opinion" as to the portions of the  
23 Declaration explaining the meaning of the letter codes (paragraphs 6-16) is without  
24 merit. The declaration was presented to explain the codes used as shorthand for  
25 each objection. Plaintiffs are incorrect that any "specialized" knowledge is  
26 required to provide the Court with the Defendants' objections to the time entries.  
27 The Declaration provides no "opinion" as implied by Plaintiffs; rather, it provides

1 a necessary explanation to the Court regarding what each coded entry stands for,  
2 including the grounds for each objection. This is not opinion and is supported by  
3 Defendants' Points and Authorities submitted concurrently with the Declaration  
4 that provided case law support for each objection, including the analysis of  
5 Hensley and Gates, which both make clear that this Court has discretion to do a  
6 line by line reduction, an across the board mathematical percent reduction or a  
7 hybrid, as long as the Court does not do so unilaterally, but provides a reasoned  
8 basis for the approach. Plaintiffs' argument to the contrary—that an across the  
9 board percent reduction is somehow improper, is not correct. The only  
10 requirement is that the Court must explain its reasoning, all as discussed in  
11 Defendants' Opposition brief. Based upon this case law, Defendants did what the  
12 Court asked and provided specific objections to each time entry as described in the  
13 Catherwood Declaration.

14 5. The declaration also provides a summary from the over 400 pages of  
15 Excel spreadsheets totaling the proposed reductions to assist the Court (paragraph  
16 17). The backup documents from which the summaries were derived were  
17 provided to the Court in the Supplemental Joint Statement of Fees and  
18 Supplemental Joint Statement on Costs filed concurrently with the Declaration.  
19 Plaintiffs do not appear to object to the accuracy of the summary. Moreover, it is  
20 not an "opinion" to provide a mathematical calculation of the total reduction in a  
21 concise fashion with the back up provided for the Court's easy review.

22 Defendants respectfully request that the Court overrule Plaintiffs' objections  
23 and consider the evidence presented by Defendants.  
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1 Dated: November 28, 2011

**FOLEY & LARDNER LLP**

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4 By: /s/ Kathryn M.S. Catherwood  
5 KATHRYN M.S. CATHERWOOD  
6 Attorneys for Defendants  
7 EDRIVER, INC., ONLINE GURU  
8 INC., FIND MY SPECIALIST, INC.,  
9 SERIOUSNET, INC., RAVI K.  
10 LAHOTI, RAJ LAHOTI  
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**CERTIFICATE OF SERVICE**

I hereby certify on this 28th day of November, 2011 that a copy of the foregoing was filed electronically through the Court's CM/ECF system, with notice of case activity automatically generated and sent electronically to all parties.

FOLEY & LARDNER LLP

By: /s/ Kathryn M.S. Catherwood  
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